

WOODY'S WHARF

CUP No. PA2011-055

Applicant's Request for Amended Conditions of Approval

November 8, 2012

5. The Operator License required to be obtained pursuant to Condition No. 3 and Chapter 5.25 may be subject to additional and/or more restrictive conditions to regulate and control potential late-hour nuisances associated with the operation of the establishment.

Proposed Amended Condition:

~~The Operator License required to be obtained pursuant to Condition No. 3 and Chapter 5.25 may be subject to additional and/or more restrictive conditions to regulate and control potential late-hour nuisances associated with the operation of the establishment.~~

Strike this condition or make it a part of this Conditional Use Permit. An option would be to have the matter decided before the Planning Commission rather than the City Manager.

9. The outdoor dining area shall be limited to a maximum of 66 seats, including disabled seats/table space, consistent with the floor plans as approved by Plan Check set of plans PC1141-2011. The seating and dining in the outdoor dining patio shall be limited to dining table height (approximately 30 inches) and the use of the elevated counters and barstools is prohibited. Removal of dining tables and chairs shall be prohibited.

Proposed Amended Condition:

The outdoor dining area shall be limited to a maximum of 66 seats, including disabled seats/table space, consistent with the floor plans as approved by Plan Check set of plans PC1141-2011. The seating and dining in the outdoor dining patio shall be limited to dining table height (approximately 30 inches) and the use of the elevated counters and barstools is prohibited. Removal of dining tables and chairs shall be ~~prohibited~~ allowed after 10:00 p.m. nightly.

33. Dancing shall be allowed on the premises only in conjunction with the issuance of —a Café Dance permit by the City Manager or designee, if applicable.

Proposed Amended Condition:

~~Dancing shall be allowed on the premises only in conjunction with the issuance of —a Café Dance permit by the City Manager or designee, if applicable.~~

Delete this condition. A café dance permit is not applicable. The proposed use is not defined as a café dance.

34. The applicant/operator shall provide licensed security personnel while offering live entertainment and/or dancing. A comprehensive security plan for the permitted uses shall be submitted for review and approval by the Newport Beach Police Department (NBPD). The procedures included in the plan and any recommendations made by the NBPD shall be implemented and adhered to for the life of the Conditional Use Permit.

Proposed Amended Condition:

The applicant/operator shall provide licensed security personnel while offering live entertainment and/or dancing. A comprehensive security plan for the permitted uses shall be submitted for review and approval by the Newport Beach Police Department (NBPD). So long as the plan is consistent with the conditions contained in this Conditional Use Permit, NBPD shall not impose more restrictive conditions. The procedures included in the plan and any recommendations made by the NBPD shall be implemented and adhered to for the life of the Conditional Use Permit.

48. Any event or activity staged by an outside promoter or entity, where the restaurant owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based on money collected as a door charge, cover charge or any other form of admission charge, including minimum drink orders or sale of drinks is prohibited.

Proposed Amended Condition:

Any event or activity staged by an outside promoter or entity, where the restaurant owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based on money collected as a door charge, cover charge or any other form of admission charge, including minimum drink orders is prohibited. Applicant shall be allowed a maximum of one night per week to hold such an event, but in no case shall a minimum drink order be allowed.

51. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order or sale of drinks is prohibited.

Proposed Amended Condition:

"VIP" passes or other passes to enter the establishment, ~~as well as door charges, cover charges, or any other form of admission charge,~~ including minimum drink order or sale of drinks is prohibited.

ADD TO CONDITION #3:

ALL SERVICE AND OCCUPANCY OF THE OUTDOOR DINING
AREA SHALL CEASE AFTER 11PM DAILY.